

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JILL KATZ and MICHAEL KATZ, as	:	CIVIL ACTION
Administrators of the Estate of	:	
Sarah Katz, Deceased	:	
	:	
v.	:	
	:	
PANERA BREAD	:	
COMPANY and PANERA, LLC	:	NO. 23-4135

ORDER

NOW, this 18th day of September, 2024, upon consideration of Defendants' *Daubert* Motion to Preclude or Limit the Testimony of Plaintiffs' Expert Joellen Gill (Doc. No. 67), the plaintiffs' response, the defendants' reply, the plaintiffs' sur-reply, and after oral argument, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED as follows:

1. Joellen Gill may not opine that:
 - a. Sarah Katz's actions were consistent with "foreseeable human behavior."
 - b. "[I]t was reasonably foreseeable to Panera that Sarah Katz, behaving as a typical consumer in accordance with foreseeable human behavior, would consume Charged Lemonade without knowing it contained a large dose of caffeine."
2. In all other respects, the motion is **DENIED**.


TIMOTHY J. SAVAGE, J.